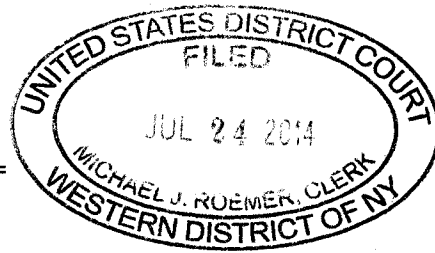


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



-PS-O-

DONNA LYNN DAVIS,

Plaintiff,

-v-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

DECISION and ORDER
14-CV-6373W

Plaintiff has submitted a complaint to the Court and seeks permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. In order for the Court to grant this request, it needs sufficient information on which to base its determination.

The documentation plaintiff has submitted is inadequate to permit the Court to grant the request. Specifically, it appears that plaintiff has income exceeding limits for *in forma pauperis* status. Plaintiff states that she has a household of three with monthly income as follows: her husband's gross monthly wages of \$2600.00, as well as pensions, annuities, disability of life insurance of \$2400.00 per month. Yet plaintiff without explanation indicates that her gross monthly income is 0 and her husband contributes only \$2100.00 per month to the household expenses. The Court is unable to grant plaintiff's application based on the information she has provided.

Plaintiff will be given an opportunity to either pay the full filing fee of \$ 400.00¹ or submit a newly-completed application form which indicates that she is eligible for *in forma*

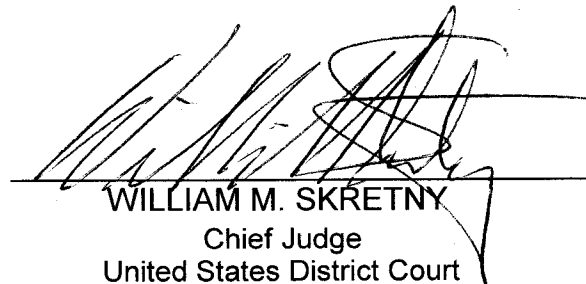
¹Effective May 1, 2013, an additional \$50.00 administrative fee has been added to the fee for filing a civil action. Neither this new administrative fee nor the \$350.00 will need to be paid if plaintiff is granted permission to proceed *in forma pauperis*. This new administrative fee does not apply to a "prisoner" who files a civil action and is provisionally granted permission to proceed *in forma pauperis*. See 28 U.S.C. § 1915(b).

pauperis status. As indicated, if plaintiff's income is \$5000.00 per month for a household of three, she does not qualify for *in forma pauperis* status, and she will need to pay the full filing fee of \$400.00.

The Clerk of the Court is directed to send plaintiff a new form application to proceed as a poor person. Plaintiff must either pay the full filing fee of \$400.00 or return a properly completed *in forma pauperis* application within **30 days** from the date of this Order. If plaintiff has not complied with this Order by either paying the full filing fee of \$400.00 or returning a properly completed *in forma pauperis* application within **30 days** from the date of this Order, the Clerk of the Court is directed to close this case as dismissed without prejudice without further order.

SO ORDERED

Dated: 07/24, 2014
Buffalo, New York



WILLIAM M. SKRETNY
Chief Judge
United States District Court